

Original AE

FILEDAFFIDAVIT IN SUPPORT OF PETITION FOR
WRIT OF HABEAS CORPUS AD SUBJICIENDUM

MAY 19 2005

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN RE: MIGUEL GONZALEZ)

))))))))

03 CR 1023

NOW COMES Miguel Gonzalez, the Petitioner in the above entitled action before this district court of the United States and DOES HEREBY Attest and Affirm, in support of his Petition, the following:

1. Petitioner is a natural born person and his true and correct name is Miguel Antonic Gonzalez; and,
2. Pursuant to U.S. Constitution, Article I, Section 8, Clause 4, and as upheld at common law of the United States' Courts seated pursuant to Article III (See Lopez v. U.S.I.N.S., C.A.10 (Colo.) 1985, 758 F.2d 1390) the immigration and naturalization of persons, under requirement of uniformity, is a plenary power conferred upon the Congress allowing Congress to deny citizenship to aliens, however, this authority is not exclusive and may be granted by the executive or the judicial branches of government (See e.g. Boyd v. Nebraska, Neb. 1892, 12 S.Ct. 456, 169 U.S. 168, 36 L.Ed. 103; and, State v. Boyd, 51 N.W. 602, 31 Neb. 682.); and,
3. Petitioner's place and date of birth are, respectively, Santo Domingo, Dominican Republic on August 4, 1964; and,
4. Petitioner has resided in the United States since the year 1987 and was granted the status of resident legal alien and assigned resident legal alien certificate number A-041301444 and Social Security Number 088-72-7849 by the government of the United States; and,
5. Petitioner's natural mother is a naturalized citizen of the United States, and several of Petitioner's siblings are citizens of the United States, and Petitioner's children are natural born citizens of the United States; and,

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6. On or about May 11, 2004 judgment was entered in the United States District Court for the Northern District of Illinois, the Hon. Ruben Castillo, U.S. District Judge, presiding, for an Order of Judgment and Commitment subjecting Petitioner to a term of 37 months of incarceration followed by 2 years of supervised release, together with a \$100.00 fee following Petitioner's plea of guilty to one count in violation of Title 18 USC 1956 (a)(3)(B) ("Laundering of Money Instruments") on or about July, 2001; and,
7. Petitioner was free on bond and self-surrendered to the Federal Correctional Institution - Camp at Oxford, Wisconsin on June 22, 2004, and is projected to be released from confinement to the custody of the United States Probation Department on or about February 25, 2007; and,
8. The United States Department of Homeland Security, Bureau of Immigration and Customs Enforcement, Milwaukee, Wis., has filed a Detainer against Petitioner to secure the presence of Petitioner at an as yet unspecified date and time for a hearing, presumably, to inquire into the reasons why Petitioner should not be deported from the United States for engaging in criminal behavior; and,
9. Said Detainer has and will continue to deny Petitioner the benefits of programs that other inmates similarly situated but without a detainer are able to participate in, such as intensive community confinement, which would allow Petitioner the property benefit of working for wages in the community and a means of support for his family; and,
10. Having invoked this Court's jurisdiction pursuant to Article III of the Constitution in its lawful grant to enforce the rules promulgated under Act of Congress, and having stated a cognizable claim to liberty and property under the Constitution of the United States against the government of the United States, Petitioner, Miguel Gonzalez, upon oath and affirmation, DOES PRAY RELIEF pursuant to his PRAYER as detailed in his application for Writ of Habeas Corpus Ad Subjiciendum,

Further Affiant Sayeth Not,

Miguel A. Gonzalez
Reg. No.: 16493-424
Federal Prison Camp
P.O. Box 1085
Oxford, WI 53952

L. Bonkofsky, Bank Shulz
Name of Officer Authorized
to Administer Oath

Case Manager
Title

Authorized by Act, July 7, 1955,
as amended, to administer oaths under
Title 18 U.S.C. § 4004.